

BOARD MEETING MINUTES

**SEPTEMBER 6, 2001
BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS
DOUBLE TREE HOTEL
835 AIRPORT BLVD
BURLINGAME, CALIFORNIA
(650) 344-5500**

Thursday, September 6, 2001

BOARD MEMBERS PRESENT: Vincent DiTomaso (President), Millicent Safran (Vice-President), James Foley, Gregg Brandow, Andrew Hopwood, Stephen Lazarian, and David Chen.

BOARD MEMBERS ABSENT: Kathy Hoffman

BOARD STAFF PRESENT: Cindi Christenson (Executive Officer), Gary Duke (Legal Counsel), Susan Ruff (Liaison Deputy Attorney General), Nancy Eissler (Attorney General Liaison Analyst), David Brown (Special Assistant to the Executive Officer), Cindy Morris-Hoppe (Executive Analyst), Janeece Sargis (Examination Analyst), Eileen Crawford (Staff Civil Engineer), and Debbie Thompson (Budget Analyst)

PUBLIC PRESENT: SEE ATTACHED

1. Roll Call to Establish a Quorum

The meeting was called to order by President DiTomaso at 8:45 a.m. Roll call was taken, and a quorum was established.

2. Public Comment

Mr. Greenlaw commented that he disagreed with the article in the Spring 2001 Bulletin that addressed the signing/stamping requirements in the Professional Engineers Act.

3. Closed Session

The Board went into closed session at 8:50 a.m.

4. Open Session to Announce the Results of Closed Session

Ms. Christenson reported that the Board approved an alternate solution for the results of the 4/01 electrical examination as recommended by NCEES and the results of the take home examination.

Ms. Christenson reported that the Board adopted the stipulation regarding Mr. Levi Rodriguez.

Ms. Christenson reported that the Board discussed pending litigation as noticed.

5. a Approval of the Minutes of the July 26 & 27, 2001 Board Meeting.

MOTION: Mr. Hopwood/Mr. Lazarian moved to approve the minutes of the July 26 & 27, 2001 Board Meeting.

VOTE: 7-0, motion carried

5. b Approval of Consent Items

MOTION: Mr. Lazarian/Mr. Hopwood moved to approve for licensure those applicants who passed the April 2001 electrical examination based on an alternate solution for the 4/01 electrical examination as recommended by NCEES and the results of the take home examination.

VOTE: 7-0, motion carried

MOTION: Mr. Lazarian/Mr. Hopwood moved to approve for licensure those examinees considered in closed session who previously passed the 8-hour section of the indicated examination(s), but had not returned their take-home examinations.

VOTE: 7-0, motion carried

6. Approval of Delinquent Reinstatements

MOTION: Dr. Brandow/Dr. Chen moved to approve the Delinquent Reinstatements as follows:

Civil

1. Edward Adamson

Reinstate applicant's civil license once he takes and passes the Seismic Principles Examination, the Engineering Surveying Examination, the Board's Laws and Rules Examination, and pays all required delinquent renewal fees.

Electrical

1. Frank Schuster

Reinstate applicant's electrical license once he takes and passes the Board's Laws and Rules Examination.

Manufacturing

1. Eugene C. Haciski

Reinstate applicant's manufacturing license once he takes and passes the Board's Laws and Rules Examination.

Mechanical

1. Jeffrey J. Aagard

Reinstate applicant's mechanical license once he takes and passes the Board's Laws and Rules Examination.

2. Douglas J. McVicar

Reinstate applicant's mechanical license once he takes and passes the Board's Laws and Rules Examination.

VOTE: 7-0, motion carried

7. Comity and Temporary Authorization Applications

MOTION: Mr. Hopwood/Mr. Lazarian moved to approve for licensure the comity applicants listed on the handout distributed at the board meeting (copy attached).

VOTE: 7-0, motion carried.

MOTION: Mr. Lazarian/Mr. Hopwood moved to approve the following Electrical applicants for licensure by waiving the second

division examination (NCEES Electrical Engineering examination) because the applicants have the appropriate experience, have taken and passed both an 8-hour NCEES EIT examination, and an 8-hour NCEES PE examination, are licensed in other states, and have taken and passed the take-home examination.

1. **John C. Coulter**
2. **Sukamal Goswami**

VOTE: 7-0, motion carried

MOTION: Mr. Lazarian/Mr. Hopwood moved to approve the following Mechanical applicants for licensure by waiving the second division examination (NCEES Mechanical Engineering examination) because the applicants have the appropriate experience, have taken and passed both an 8-hour NCEES EIT examination, and an 8-hour NCEES PE examination, are licensed in other states, and have taken and passed the take-home examination.

1. **Thomas C. Brown**
2. **Larry T. Newland**
3. **Michael D. Nichter**
4. **James R. Sharpe**

VOTE: 7-0, motion carried

8. Examination/Qualifications

a. Licensure Status of Temporary Licensees

President DiTomaso introduced this subject by stating that of the total number of temporary licenses issued by the Board, only a small percentage have passed the California engineering exams. There is concern that the applicants appear for a brief time before the Board and receive approval to complete engineering work in California, without confirmation that they are qualified to do so.

President DiTomaso also stated that most other states do not grant temporary authorization for engineers to conduct business in their state.

Mr. Duke presented a brief history of the temporary registration law.

President DiTomaso opened the discussion for the public, board members or staff to comment on the effectiveness of the current process. Various comments were made regarding the process and how it was an advantage to national chains to be able to conduct engineering business in California through the temporary authorization process.

After much discussion, the Board directed staff to work specifically with Mr. Foley and Dr. Brandow to provide further information at the next Board meeting regarding options to improve the temporary authorization process.

b. Reinstatement of Delinquent Licenses

President DiTomaso stated that since we are going to be transitioning to a 2-year renewal cycle next year, the effectiveness of the reinstatement of delinquent licenses process should be reviewed.

Mr. Lazarian commented that we should wait and see if the 2-year renewal cycle makes a difference as to how it affects renewals.

Mr. Foley asked if the public had been harmed as a result of granting reinstatements. The consensus was that the public has not been harmed in any way by the granting of reinstatements.

Ms. Christenson suggested a two-tier approach: those who have been delinquent only a short time could apply and pay the fee. Those who have been delinquent for a longer period of time should have to retake the required tests. She stated that this is how other boards do it.

MOTION: Dr. Brandow/Ms. Safran made a motion to amend legislation to specify that the cutoff for delinquents will be eight (8) years. For those delinquent more than 8 years, the second level exam would be required for a new license. Staff will pursue this legislative change.

VOTE: 7-0, motion carried.

c. College Outreach

President DiTomaso presented a packet by NCEES encouraging “ambassadors” to universities who would explain how the NCEES’ exam statistic reports could help them with their curriculum

development. NCEES is encouraging state board's to visit universities and explain these reports and how they can be used. This could also assist college professors to encourage more students to take the fundamental exam.

It was suggested that TAC members could be trained as "ambassadors." Also, the board could incorporate this training into the existing Board outreach program.

President DiTomaso offered the packet to Board members to review. He also directed staff to ask NCEES if a representative could attend a future board meeting and make a presentation on this concept. Staff was also directed to present to the Board how the ambassador program could be implemented, including a workload analysis, associated costs, possibility of NCEES representative attending Board meeting, etc.

d. Comity for Disciplines not Recognized in California

President DiTomaso explained that if an engineer licensed in another state in a discipline not recognized in California applies for licensure in California by comity, the Board may be unsure in which branch the individual should be granted licensure.

Discussion followed regarding how much latitude in practice the Board should allow the engineer in these instances (i.e., allow them to practice in their field, but not to sign any documents or practice in any other discipline).

Staff was directed to work with the Institute for Social Research to assure this item is covered in their Title Act Study report.

e. Comity for Model Law Engineer

President DiTomaso explained the Comity for Model Law Engineer program that is currently being used in many other states in conjunction with NCEES. This is a program that allows states to grant comity when an applicant is first certified as a Model Law Engineer by NCEES. President DiTomaso explained some of the pros and cons of utilizing this program.

Some of the board members expressed concern about the board giving up control in granting comity if the Model Law Engineer program is used.

Ms. Crawford pointed out that some Model Law Engineer applications do not indicate which specific exam(s) the applicant has taken. This could be a problem in the evaluation process. Some applicants are currently using the Model Law Engineer program, but most apply directly to the Board.

Mr. Lazarian suggested that, through the website, we encourage applicants to use the NCEES Model Law Engineer program.

Staff was directed to keep the Board members apprised of the Model Law Engineer program gaining momentum, any complaints received, etc. Other than this directive, the subject was tabled for now.

11. Technical Advisory Committee Reports

- a. **Land Surveying (no meeting)**
- b. **Civil/Geotechnical Engineering (no meeting)**
- c. **Mechanical Engineering (no meeting)**
- d. **Electrical Engineering (no meeting)**
- e. **Structural Engineering (no meeting)**
 - 1. **SE TAC Annual Budget, Meeting Schedule and Workplan**

MOTION: Dr. Brandow/Mr. Hopwood moved to approve the Workplan, Budget, and Schedule for the fiscal year 2001/2002 for the Structural Engineering Technical Advisory Committee.

VOTE: 7-0, motion carried.

2. Appointment of a New SE TAC Member

MOTION: Dr. Brandow/Mr. Hopwood moved to appoint Mr. Charles Sinkey as a member of the Structural Engineering Technical Advisory Committee for a term that expires on June 30, 2003.

VOTE: 7-0, motion carried.

9. Administrative

a. Fund Condition

Ms. Thompson reported significant changes have occurred to the Board's fund condition since the last Board meeting.

The total projected revenue for FY 2000/01 was adjusted upward from \$6,572,162 to \$6,780,237 for the actual total year-end revenue received. The total projected revenue for FY 2001/02 was adjusted upward from \$1,750,000 to \$2,101,000 for applications revenue and downward for renewal revenue from \$4,3000,000 to \$4, 199,000. The total amount requested for BCPs has changed from \$372,000 to \$522,000 for FY 2002/03.

Ms. Thompson also reported that a deficit is still expected to occur in FY 2003/04.

b. FY 2000/01 Year End Expenditures

Ms. Thompson reported that after actual and projected expenses had been subtracted from the FY 2000/01 budget, a savings of approximately \$4,200 is projected. This savings is still a projection because invoices for some of the fiscal year's expenses have not yet been received.

c. FY 2001/02 Budget

Ms. Thompson reported that an excess of \$2,004 over expenditures is projected for FY 2001/02. This excess has decreased since the last Board meeting because an added \$50,000 expense was included for a projected exam population increase for the engineering exams tested through NCEES.

d. FY 2002/03 Budget Change Proposals

Ms. Thompson reported that since the last Board meeting, an additional BCP was submitted requesting \$51,000 for NCEES Exam Population increases and the Subject Matter Expert Compensation BCP was changed to add \$48,000 in increased costs the Board has experienced in SME expenses for the Geotechnical exam development.

10. Legislative

- a. Pending Legislation for 2001 Legislative Session, including, but not limited to: SB 26 (Figueroa), SB 136 (Figueroa), SB 771 (B&P), SB 1045 (Polanco), AB 269 (Correa), AB 805 (Shelley), and others. (Possible Action)**

Mr. Brown gave updates to several bills currently being watched by the Board. AB269 (Correa) creates a Division of Enforcement Oversight within DCA to monitor and evaluate consumer complaints and procedures of each board. This bill will also create a hiring panel to appoint a board's Executive Officer. This panel would consist of a representative of a board, the Director of DCA and the Governor's appointment secretary. This bill has been scheduled for an informational hearing in the author's district on October 4, 2001 in Santa Ana at 10:30 a.m. Ms. Christenson or her representative will be attending this hearing.

SB 332, was returned from the Governor's desk at the request of the Senate; and SB 771, had a hearing with the Assembly Appropriations Committee on September 6, 2001. In addition, the Board's Sunset and Fiscal Restructuring bill (SB136) passed out of the Assembly on a unanimous vote. It has been returned to the Senate for concurrence with the Assembly amendments.

The Board discussed the timelines for DCA legislative proposals and potential new proposals for the 2002 session. The Board has the option of using DCA or pursuing legislation on its own behalf. The proposals were discussed in detail during agenda item #8, Examination/Qualifications to include potential changes to the law regarding temporary authorizations for delinquent reinstatements. Examination/Qualifications also discussed the changes to EIT educational waiver language and the possible need to provide legislative change in addition to the approved regulatory language. Staff will check to see if these proposals can be carried by DCA in an omnibus bill or if the Board should seek its own author.

Mr. Brown gave an update on regulations, including Rule 411, Electronic Signatures. The comment period ends on September 17, 2001.

12. Liaison Reports

a. ABET

No report given

b. NCEES

1. Report on August 1-4, 2001, Annual Meeting

The Board reviewed President DiTomaso's written report included in the agenda.

c. Technical and Professional Societies

No report given.

13. President's Report

No report given.

14. Executive Officer's Report

1. Administration Report

a. Executive Summary Report

Ms. Christenson reported on the Executive Summary Report.

2. Personnel

a. New Hires & Vacancies

Ms. Christenson reported that Mariann Fagunes has accepted a position with the Vocational Nurses Board. This is a promotion for Ms. Fagunes.

Ms. Christenson also reported that two of our seasonal/student assistant employees, Nick Morris and Candace Cummins, will be leaving the Board.

3. Publications/ Website

a. Website Activity

Ms. Christenson reported that the Board's Laws and Rules Examination (take home examination) has been put on line.

b. Bulletin

Ms. Christenson reported that staff is in the process of working on the next bulletin.

c. Consumer Guide

Ms. Christenson reported that the Consumer Guide is being worked on.

4. Other
a. DCA Update

Ms. Christenson updated the Board on the status of the Title Act Study.

15. Approval Of Board Travel

No action taken on this item

16. Other Items Not Requiring Board Action

a. Next Board Meeting: October 18 & 19, 2001, Casa Munras Hotel, Monterey, California.

17. Adjourn

The Board adjourned at 2:00 p.m.

PUBLIC PRESENT

Steve Hao, CalTrans
Cody Tubbs, CELSOC
Tom Ladegaard, CPIL-USD
Carl C deBaca, CLSA
Charles O. Greenlaw, S.E.

APPLICANTS FOR COMITY – September, 2001

These applicants for registration by Comity have met all requirements for registration and have passed the appropriate branch examination(s).

<u>DISCIPLINE</u>	<u>STATE</u>	<u>STATE-EIT</u>
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CHEMICAL

37141	KELLY, TIMOTHY A.	TN	AZ
36905	MALINGER, DENNIS S.	PA	DE

CONTROL SYSTEMS

37277	BOUDREAU, MICHAEL A.	TX	SC
36909	KLINGELHAFFER, ALAN P.	LA	MI

ELECTRICAL

37276	ABOU-ABDALLAH, RACHID	OH	AL
35427	ARAUJO, JUAN A.	PR	PR
37047	CRAFTON, KEVIN WAYNE	SC	VA
37424	CULLEN, JOSEPH ANTHONY	PA	PA
37181	ELY, ALAN WAYNE	MO	MO
37335	FISHER, JULIAN BRUCE	AZ	AZ
26980	FREEMAN, BRIAN S.	OH	WA
36773	HOKE, THOMAS A.	NC	MD
37170	MILLER, RICHARD ADAM	MD	MD
38474	MOLINARI, MICHAEL L.	OR	OR
36988	NATION, GARY W.	MN	IL
37220	PUGH, JEFFREY A.	AZ	MO
37002	SHUTER, TIMOTHY C.	AZ	waived
23281	SINHA, AMIT	WA	AK
33510	WARNOCK, MARK R.	MO	SD
36934	ZOOBIN-ARANGHEH, MAGID	UT	UT

MECHANICAL

37385	BOBIK, DAVID P.	PA	PA
30662	CARTER, WILLIAM A.	ID	ID
37148	COTNER, STEPHEN CHARLES	TX	KS
37523	DOHERTY, CAREN M.	AL	FL
36912	GUNAWARDENA, SUNTUSITA B.	NY	DE
35922	KELLY, NANCY M.	WI	WI
37267	KOLLER, NORMAN C.	MN	PA
37003	PINKSTON, BRIAN RUSSELL	GA	GA
37353	RATTINI, THOMAS L.	MO	MO
36903	ROGERS, JONATHAN J	PA	PA

MECHANICAL (CONT.)

37355	SCHILLING, TED D.	TX	IN
37146	SMALL, EKLE A.	FL	IL
36637	SZOLLOS, CHARLES	WI	MO
37006	WASH, THOMAS J.	PA	PA
37142	WEBB, SCOTT C.	IL	IN

ENGINEER IN TRAINING

37395	BETIT, GABRIEL	VT
37201	BONANNO, MATTHEW	MA
36959	BUCKNER, ANDREW	NV
36719	DALY, ALLAN	DE
37516	DOYLE, ROGER	CT
37001	HON, MUN WAI	VA
36783	MANAGO, FIDEL-RODELYN	PA
29854	SNYDER, KELLY	CO
22220	WESTMORELAND, JOHN	TX